

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

OPEN SEASONS, LLC

PLAINTIFF

V.

CAUSE NO.: 1:12CV130-SA-DAS

N9NE AGENCY, LLC

DEFENDANT

DEFAULT JUDGMENT

Plaintiff filed a complaint against the Defendant in this court on June 4, 2012. The N9ne Agency was served on June 13, 2012, but failed to answer pursuant to the Federal Rules of Civil Procedure. The Clerk of Court entered default against the Defendant on August 15, 2012, and Plaintiff filed a Motion for Default Judgment attaching an affidavit that the requested claims are for a sum certain.

Default Judgment Standard

Federal Rule of Civil Procedure 55(b)(2) permits the Court to enter a default judgment against a non-appearing defendant. A defendant, “by his default, admits the plaintiff’s well-pleaded allegations of fact.” Nishimatsu Constr. Co., Ltd. v. Houston Nat’l Bank, 515 F.2d 1200, 1206 (5th Cir. 1975). But a default judgment is proper only if those well-pleaded factual allegations establish a valid cause of action: “There must be a sufficient basis in the pleadings for the judgment.” Id. Thus, the Court’s duty in considering a motion for default judgment is “to ensure that Plaintiff is entitled to judgment as a matter of law based on the admitted factual allegations of the Complaint.” Forman Perry Watkins Krutz & Tardy LLP v. Kelly Capital, LLC, 2011 U.S. Dist. LEXIS 137603, 2011 WL 5983296, at *1 (S.D. Miss. Nov. 29, 2011).

Discussion and Analysis

Plaintiff has presented sufficient evidence that N9ne Agency owes to Open Seasons, LLC \$269,395 in damages for amounts paid to that firm for services never rendered, and costs incurred in the execution of the contract between the two.

Accordingly, pursuant to Federal Rule of Civil Procedure 55(b), the default judgment [14] is GRANTED. Judgment is entered in favor of the Plaintiff in the amount of \$269,395 against N9ne Agency, LLC.

SO ORDERED, this the 24th day of March, 2014.

/s/ Sharion Aycock
U.S. DISTRICT JUDGE